

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.34811 of 2016

ORDER:

At request of respondents time on 17.10.2016 and 18.10.2016 was granted. Till date, respondents have not filed counter affidavit.

The petitioners pray for the following relief :-

“.....to issue a writ, order or direction, particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in seeking to acquire the lands of the petitioners covered by survey No.88/C admeasuring 0.22 gts, Sy.No.89/D admeasuring 0.38 gts, Sy.No.90/C admeasuring Ac.3.30 gts total Ac.5.10 gts, Suvey No.88/D admeasuring 0.12 gts, Sy.No.90/A admeasuring Ac.4.02 gts, Sy.No.91/D admeasuring Ac.1.24 gts total Ac.5.38 gts, Sy.No.90/B admeasuring Ac.2.00 gts, Sy.No.91/A-1 admeasuring Ac.1.36 gts total Ac.3.36 gts, Sy.No.89/C admeasuring Ac.0.38 gts and Sy.No.86/E & F admeasuring Ac.0.36 gts, Sy.No.91/F admeasuring Ac.0.10 gts total Ac.1.06 gts respectively, situated at Burhanpuram village, Maripeda mandal, Mahabubabad district, for the purpose of digging SRSP Canal without initiating proceedings under the Land Acquisition Act i.e., The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013) and without paying compensation to the petitioners, as illegal, arbitrary and violative of Article 300-A of the Constitution of India, consequently direct the respondents not to acquire the afore said lands of the petitioners without following the procedure as required

under the Land Acquisition Act i.e., The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act No.30 of 2013).....”

Learned counsel for the petitioners submits that as on date, the respondents have not proceeded beyond the boundary of petitioners’ land and if the respondents intend to lay the pipe line for the purpose of digging SRSP Canal through the petitioners’ land, the same shall be in accordance with law and after paying compensation to petitioners.

I have perused the annexures filed along with writ affidavit. The petitioners pray for a direction namely that the respondents follow the procedure stipulated by law either for dispossession of petitioners from petition land or for laying the pipe line through their land. This is certainly a legitimate expectation of petitioners.

Hence, the writ petition is disposed of by this order.

The respondents are directed not to dispossess the petitioners or lay the pipe line in petitioners land for the purpose of digging SRSP Canal except in accordance with law.

The writ petition is disposed of accordingly.

Miscellaneous petitions, if any, pending, shall stand closed. No order as to costs.

S. V. BHATT, J

17th November 2016

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